IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gregory J. Sesselmann		
For:	SYSTEM AND METHOD FOR ODOR ABSORPTION		
Serial No.:	90/007,331	Examiner:	J. Jastrzab
Filed:	11/30/2004	Group Art Unit:	3993

DECLARATION OF GREG PAQUIN

I, Greg Paquin, declare that:

1. I am currently employed as the Licensing Manger of ALS Enterprises, Inc. ("ALS") and have held this position since January, 2001

2. ALS is the assignee and owner of US Patent No. 5,383,236 and all issued patents and pending applications claiming priority therefrom including, but not limited to US Patent Nos. 5383236, 5539930 (now application 90/007,331), 5790987, 6009559 and 6134718, and Serial No. 10/713686 (collectively the "ALS Patents".)

3. In my capacity as Licensing Manger, I am responsible for and have access to the files and records of ALS including but not limited to files regarding the licenses ALS has granted to third parties for the ALS Patents, access to the records regarding the sales by ALS of odor absorbing clothing products and accessories manufactured by or directly for the benefit of ALS and also have access to the records of ALS regarding unsolicited testimonials received from consumers of ALS products, articles in the trade magazines regarding ALS products and access to industry awards which have been awarded to ALS relating to the sale of its odor absorbing hunting garments and accessories.

4. Based upon information and belief, ALS has since its inception in 1992 manufactured and sold a variety of hunting garments and accessories including coats, pants, hats,

gloves, face masks, backpacks, fanny packs and storage packs. Approximately 99 percent of all products sold and manufactured by or for the benefit of ALS are odor absorbing garments or accessories in which the garment/accessory is formed of at least one layer of air permeable fabric having an odor absorbing agent, specifically activated charcoal secured thereto. The charcoal is securely mounted to the air permeable fabric though the use of a bonding agent, specifically an adhesive. The garment is intended to be used multiple times by a hunter and can be reactivated by heating the garment in the dryer or alternatively washing the garment in water and drying it.

5. In the promotion and sale of the products discussed above, ALS provides instructions for and encourages users to wear ALS' odor absorbing garments to substantially surround at least a portion of their body and then venture into the outdoors to hunt wildlife such as deer, elk, big horn sheep and the like. After the garments have been used sufficiently, for example three weeks, ALS instructs the users to reactivate the products through drying or alternatively through washing and drying. Attached hereto as Exhibit A is a copy of instructions for use of Scent-Lok branded products which, based upon information and belief, were included in every package of odor absorbing clothing and accessories sold by ALS since at least as early as 1996. Attached hereto as Exhibit B is a copy of a hang-tag which has been in use for many years and is currently attached to every Scent-Lok odor absorbing branded garment or accessory providing instructions for use of the products. Attached hereto as Exhibit C is a portion of a promotional piece developed in 1997 and distributed to purchasers and potential purchasers of Scent-Lok branded products showing hunters the method of using the product to avoid detection of the user by wildlife using the sense of smell.

6. ALS has successfully produced and sold its own line of odor absorbing hunting garments and odor absorbing bags under the SCENT-LOK brand. Attached hereto as Exhibit D

are excerpts from ALS' 2007 product catalog showing that ALS continues to sell a wide range of garments such as coats, pants, coveralls, shirts, hats, gloves and head covers. In addition, ALS continues to sell accessories such as duffel bags backpacks fanny packs and the like all of which incorporate an air permeable material having activated carbon adhesively bonded thereto.

7. ALS has licensed the innovations embodied in the ALS Patents to numerous prominent manufacturers of hunter's garments and other hunting related products. Since its inception, ALS has secured licensing arrangements with over 22 different licensees, several of which are extremely well known, sophisticated, prominent fabric, garment or hunting product manufacturers and retailers including W.L. Gore & Associates, Inc. (manufacturers of the well known GORE-TEX fabric coating), Cabela's, Inc., Robinson Outdoors, Inc., Browning Arms Company, Gander Mountain Company, Bass Pro Shops, Inc., and Wolverine Worldwide, Inc. Bass Pro Shops, Inc., Gander Mountain Company, and Cabela's, Inc. are within the top 5 retailers of hunting apparel in the United States. Other well known industry leaders involved in the manufacturing of ALS garments and licensed products include Milliken & Company and W.L. Gore & Associates, Inc. ALS has had licensing arrangements with the bulk of these significant manufacturers and retailers of hunting apparel in excess of five years and some for as long as nine years. These parties have been licensed the right to practice the innovations claimed in the family of issued patents and pending applications linked to the parent application of issued U.S. Patent No. 5,383,236.

8. Robinson Outdoors, Inc., a licensee of ALS, sell a variety of garments and storage bags under the brand name SCENTBLOCKER and it is my understanding that these garments and storage bags are formed of at least one layer of air permeable fabric having an odor absorbing agent, specifically activated charcoal secured thereto. The charcoal is securely

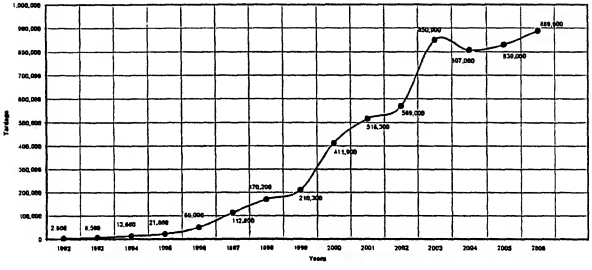
mounted to the air permeable fabric though the use of a bonding agent, specifically an adhesive. The garment is intended to be used multiple times by a hunter and can be reactivated by heating the garment in the dryer or alternatively washing the garment in water and drying it. In addition to selling garments licensed under the ALS Patents, this licensee also expressly instructs hunters how to practice the methods described in the '930 patent through its "U of Stink" informational website. Attached hereto as Exhibit E is an excerpt from the website of Robinson Outdoors and this website expressly instructs the hunter on the steps of using the odor absorbing clothing, storing the clothing in an accessory bag formed from an odor absorbing fabric along with the steps of regenerating the carbon.

9. Attached hereto as Exhibit F is an excerpt from the website of W.L. Gore & Associates, Inc. This page shows one of many products sold under license for the ALS Patent and specifically identifies a hunting garment as having an "odor eliminating" lining.

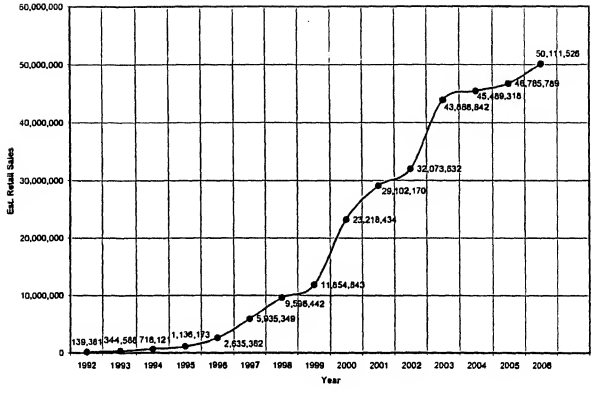
10. Attached hereto as Exhibit G are excerpts from the website showing various products promoted and sold by Bass Pro Shops all of which are sold via license of the ALS Patents. Once again, the promotional materials for these products all discuss the scent absorption and scent elimination technology utilized in a hunting application.

11. One measure of the commercial success of the ALS odor absorbing garments and accessories is found in the total yardage of odor absorbing fabric used by ALS and its licensees to create garments such as coats, hats, pants, gloves, accessory storage bags etc. The particular fabric used is one which is air permeable and has an odor absorbing agent, specifically activated charcoal secured thereto with a bonding agent, specifically adhesive. As seen in the following graph, the total sales of such odor absorbing fabric has grown from 2,600 yards in 1992 when ALS introduced its odor absorbing clothing and accessories to 889,000 yards of fabric for the

year 2006. This results in an overall average annualized growth of 59% each year during the 14 years in which the product has been in the marketplace.



12. Another measure of the commercial success and remarkable growth of the odor absorbing garment industry and the success of ALS' innovations is found in the estimated gross retail sales figures of odor absorbing garments. Once again, the garments typically incorporate at least one fabric layer which is air permeable and has an odor absorbing agent, specifically activated charcoal secured thereto with a bonding agent, specifically adhesive. The following graph provides the cumulative estimated retail sales of odor absorbing clothing by ALS and its licensees for such odor absorbing garments in the United States. Sales have grown from an estimate of nearly $140,000 in 1992 to an estimate in excess of $50 million in 2006. This represents an annualized growth of 59% over the past 14 years that the product has been in the marketplace.



13. Based upon information and belief, it is my understanding that prior to 1992 a market did not exist for clothing and accessories formed from an air permeable fabric layer incorporating an odor absorbing agent which is secured to the fabric by a bonding agent such as adhesive and which was capable of reactivation; rather this market was created entirely as a result of the innovations of Greg Sesselmann. Although no hard data is available, based upon my knowledge and experience, I estimate that sales of ALS products and those sold by its licensees comprise approximately 67% of the total market of odor controlling hunting garments and accessories.

14. Based upon my six years of experience in the hunting products industry, I am not aware of any other product sold in the hunting products industry which has remotely approached

the growth in sales as have the odor absorbing clothing products and accessories described above manufactured and sold by ALS and its licensees.

15. Perhaps the most convincing evidence of the unexpected results and overall success of the ALS odor absorbing clothing products is found in the numerous unsolicited testimonials which ALS has received from satisfied users of ALS odor absorbing garments. Attached hereto as Exhibit H are a collection of only a small fraction of the unsolicited testimonials received over the years by ALS.

16. Still another measure of the commercial success and the unexpected results realized when using the ALS odor absorbing clothing is found in the numerous articles and product reviews written by experts within the hunting industry. Attached hereto as Exhibit I are numerous articles published in trade journals such as *Inside Archery, Outdoor Life, Archery Business* and *Whitetail Journal* attesting to the unique innovation of the ALS odor absorbing clothing and accessories and the method for using these products to avoid detection by wildlife. However, it is interesting to note the reaction in the marketplace in 1992 immediately after the introduction of the odor absorbing hunting garments and the method for using these garments. Attached hereto as Exhibit J are commentaries and reactions of industry experts to the revolutionary nature of Greg Sesselmann's innovations.

17. Yet one more measure of success for the ALS odor absorbing clothing and the methods for using this clothing is found in the industry awards that ALS has received for its products and the use thereof during its brief existence in the hunting industry. Copies of these awards are attached hereto as Exhibit K.

18. We attempted to locate aminated cotton in the marketplace for testing the odor absorption characteristics of this material. We were unable to locate any commercial resources

for purchasing this material. I personally conducted a search on the internet for aminated cotton in an attempt to locate a source of supply for this product. Surprisingly enough, I was unable to locate any aminated cotton offered for sale or otherwise available.

19. As a result of the fact that this industry was only created in the early 1990's, it is not surprising that there is no standardized ASTM testing currently available to measure the relative odor absorption or odor elimination capability of a fabric used in a hunting garment or accessory. In light of this, ALS, in conjunction with its technologically sophisticated suppliers of odor absorbing fabric, developed a procedure for evaluating the absorptive capabilities of the fabrics. ALS recently commissioned a test of cotton products manufactured according to the teachings of U.S. Patent No. 3,922,723 to Popper. According to the test results, both the untreated cotton and aminated cotton fabrics failed the ALS standardized odor absorptive test and therefore these products appear to be wholly inadequate and incapable of effectively absorbing human odors so that a hunter wearing a garment can avoid detection by wildlife and get into close proximity with wildlife. Based upon the extensive testing we have previously conducted and my personal experience in hunting using odor absorbing clothing, it is clear that a garment manufactured according to the teachings Popper would fail to absorb odors in an effective amount so that hunters, wildlife photographers, biologists and the like could come into close proximity with wildlife having an acute sense of smell such as deer, elk and bear.

20. As part of its typical process for evaluating fabric samples intended to be incorporated into garments or accessories such as odor absorbing storage bags, ALS regularly commissions testing from an independent testing laboratory. In this test, fabric samples are exposed to ever increasing levels of a conventional odor associated with the human body and the amount of the odor absorbed by the fabric is measured. Each fabric sample is super saturated

with this odor in order to evaluate the odor absorbing effectiveness. Initially a "pristine" sample is tested, one which has not previously been exposed to air or odor. Next, fabric samples are subjected to a series of cycles of washing and drying in a conventional clothes washer and dryer and then super saturated with the conventional human odor compound as described above. This washing and drying process is repeated up to 20 cycles. An excerpt of one such test report for a fabric which is currently in the line of garments offered for sale by ALS is attached hereto as Exhibit L. This report clearly shows that the after repeated washing and drying cycles, the sample subjected to the washing and drying process is capable of effective odor absorbtion so that if used properly, the hunter can get into close proximity with wildlife.

21. ALS recently commissioned a specific study in order to compare the odor absorbing capabilities of a pristine sample of odor absorbing fabric to one that had been regenerated by drying in a conventional clothes dryer. A copy of the report from the independent laboratory summarizing the results is attached hereto as Exhibit M. In this case, the fabric samples used were from fabric actually used in commercially available odor absorbing garments sold by ALS. The fabric samples were formed from an air permeable fabric with activated charcoal secured to the fabric layer by a bonding agent, specifically an adhesive. The odor used in the test is a conventional odor associated with the human body. As is evident from the test results, the odor absorbing capabilities of the regenerated samples are nearly identical to the odor absorbing capabilities of the pristine samples. This data supports ALS' assertion that the carbon integrated into its garments can be regenerated though washing and drying or merely drying in a conventional clothes dryer.

22. Many different people have submitted Declarations in relation to factual issues raised in relation to both the present application and patent applications linked to the present

application. The vast majority of those persons signing these declarations, based upon information and belief, have no financial interest, ownership interest or other involvement with ALS Enterprises, Inc., Gregory Sesselmann or US Patent Application Serial No. 90/007,331 or the family of patents or patent applications to which US Patent Application Serial No. 90/007,331 is linked. This group of Declarants having no interest at the time of their statements include, but is not limited to, Myles Keller, Everett Tarrell, Kathy Etling, Brad Clinton, Denny Geurink and John David Love. With respect to the professional technical experts such as Dr. Alan Tonelli and Brian Wackowicz, except for the fees paid for their professional services, they have no financial interest, ownership interest or other involvement with ALS Enterprises, Inc., Gregory Sesselmann or US Patent Application Serial No. 90/007,331 or the family of patents or patent applications to which US Patent Application Serial No. 90/007,331 is linked

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 3-22-07

Greg Paquin